

JOE WARDY
MAYOR



CITY COUNCIL

SUSAN AUSTIN
DISTRICT NO. 1

ROBERT A. CUSHING, JR.
DISTRICT NO. 2

JOSE ALEXANDRO LOZANO
DISTRICT NO. 3

JOHN F. COOK
DISTRICT NO. 4

DANIEL S. POWER
DISTRICT NO. 5

PAUL J. ESCOBAR
DISTRICT NO. 6

VIVIAN ROJAS
DISTRICT NO. 7

ANTHONY W. COBOS
DISTRICT NO. 8

REGULAR COUNCIL MEETING
COUNCIL CHAMBERS
JUNE 15, 2004
9:00 A.M.

The City Council met in regular session at the above place and date. Mayor Joe Wardy present and presiding and the following Council Members answered roll call: Robert A. Cushing, Jr., Jose Alexandro Lozano, John F. Cook and Daniel S. Power. Late Arrival: Susan Austin, Paul J. Escobar, Vivian Rojas and Anthony W. Cobos. Absent: None. Meeting was called to order at 9:10 a.m. and the invocation was given by Chaplain Clift Barnes, followed by the Pledge of Allegiance to the Flag of the United States of America.

MAYOR'S PROCLAMATION

1. *Juneteenth*

Motion made by Representative Cook, seconded by Representative Cushing and unanimously carried to delete the following item:

Concern on continued corruption within E.P.P.D., IA's, DA's office and lack of effort from Civil Service Commission to address matters. [Jesus Luna]

Mr. Luna arrived at the City Council meeting after his item was read into the record and requested that the Council reconsider his item. His request was denied.

No action was taken on the deteriorating condition of the lake behind the Los Nogales acres subdivision due to salt cedar invasion and the potential for an environmental and health disaster. [Tom Wilson]

Mr. Tom Wilson, La Mirada Circle resident, presented a videotape from a local news channel regarding the Los Nogales Homeowners Associations pond and gave handouts to the Council Members (on file in the City Clerk's office) regarding salt cedars. He commented on the potential health and environmental hazards regarding the pond and expressed three issues he would like to see as a result of his coming before the Council: 1. attention to the problem; 2. Council support or proposal of a Resolution eradicating salt cedar from the city limits and/or a comprehensive plan; and 3. dialogue between La Mirada residents and the Los Nogales Acres Homeowners Association.

Mayor Joe Wardy stated the pond was located on private property and the responsibility of the Homeowners Association. He added that the City would coordinate with the Neighborhood Association Liaison.

Mr. Alan Shubert, Director of Building Permits and Inspections, responded to questions from Representatives Austin and Cushing.

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **TRISTA M. FOX**, to assist the El Paso International Airport as a Business Manager and Coordinator at a biweekly rate of \$2,168.08 for 40 hours per week. The term of the contract shall be for the period of June 30, 2004 through June 29, 2005.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Agreement granting an Underground Electrical Easement to the El Paso Electric Company on a portion of Lot 1, Block 1, Butterfield Trail Industrial Park, Unit 1, Replat "A", City of El Paso, El Paso County, Texas to provide service to Cardinal Health 200, Inc. located at #1 Butterfield Trail.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Agreement granting an Underground Electrical Easement to the El Paso Electric Company on a portion of Lots 25, Block 4, El Paso International Airport Tracts, Unit 2, City of El Paso, El Paso County, Texas to provide service to Dade Aviation, Inc. located at 7605 Boeing Drive.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Lessor's Approval of Assignment by and between the City of El Paso ("Lessor"), TIAA Realty, Inc. ("Assignor") and W2001 TBT Real Estate Limited Partnership ("Assignee") for the property described as portions of Lots 4 and 5, Block 6, Butterfield Trail Industrial Park, Unit One, Replat "A", City of El Paso, El Paso County, Texas, municipally known and numbered as #3 Butterfield Trail, El Paso, Texas.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Lessor's Approval of Assignment by and between the City of El Paso ("Lessor"), TIAA Realty, Inc. ("Assignor") and W2001 TBT Real Estate Limited Partnership ("Assignee") for the property described as Lot 1, Block 11, Butterfield Trail Industrial Park, Unit Two, Foreign Trade Zone No. 68, City of El Paso, El Paso County, Texas, municipally known and numbered as #25 Butterfield Trail, El Paso, Texas.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Lessor's Approval of Assignment by and between the City of El Paso ("Lessor"), TIAA Realty, Inc. ("Assignor") and W2001 TBT Real Estate Limited Partnership ("Assignee") for the property described as a portion of Lot 5, Block 8, Butterfield Trail Industrial Park, Unit One, Replat "A" and all of Lot 6, Block 8, Butterfield Trail Industrial Park, Unit One, Replat "B", City of El Paso, El Paso County, Texas, municipally known and numbered as #11 Leigh Fisher Blvd., El Paso, Texas.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Lessor's Approval of Assignment by and between the City of El Paso ("Lessor"), TIAA Realty, Inc. ("Assignor") and W2001 TBT Real Estate Limited Partnership ("Assignee") for the property described as a portion of Lot 5, Block 1, Butterfield Trail Industrial Park, Unit One, Replat "A", City of El Paso, El Paso County, Texas, municipally known and numbered as #7 Leigh Fisher Blvd., El Paso, Texas.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Lessor's Approval of Assignment by and between the City of El Paso ("Lessor"), TIAA Realty, Inc. ("Assignor") and W2001 TBT Real Estate Limited Partnership ("Assignee") for the property described as portions of Lots 4, 5, 6 and 7, Block 2, Butterfield Trail Industrial Park, Unit One, Replat "A", City of El Paso, El Paso County, Texas, municipally known and numbered as #15 Zane Grey, El Paso, Texas.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Butterfield Trail Industrial Park Lease by and between the City of El Paso ("Lessor") and W2001 TBT Real Estate Limited Partnership ("Lessee") for the property described as Lot 1, Block 11, Butterfield Trail Industrial Park, Unit Two, Foreign Trade Zone No. 68, City of El Paso, El Paso County, Texas, municipally known and numbered as #25 Butterfield Trail, El Paso, Texas.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Butterfield Trail Industrial Park Lease by and between the City of El Paso ("Lessor") and W2001 TBT Real Estate Limited Partnership ("Lessee") for the property described as a portion of Lot 5, Block 8, Butterfield Trail Industrial Park, Unit One, Replat "A" and all of Lot 6, Block 8, Butterfield Trail Industrial Park, Unit One, Replat "B", City of El Paso, El Paso County, Texas, municipally known and numbered as #11 Leigh Fisher Blvd., El Paso, Texas.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Butterfield Trail Industrial Park Lease by and between the City of El Paso ("Lessor") and W2001 TBT Real Estate Limited Partnership ("Lessee") for the property described as a portion of Lot 5, Block 1, Butterfield Trail Industrial Park, Unit One, Replat "A", City of El Paso, El Paso County, Texas, municipally known and numbered as #7 Leigh Fisher Blvd., El Paso, Texas.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Butterfield Trail Industrial Park Lease by and between the City of El Paso ("Lessor") and W2001 TBT Real Estate Limited Partnership ("Lessee") for the property

described as portions of Lots 4, 5, 6 and 7, Block 2, Butterfield Trail Industrial Park, Unit One, Replat "A", City of El Paso, El Paso County, Texas, municipally known and numbered as #15 Zane Grey, El Paso, Texas.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor, on behalf of the City of El Paso, be authorized to sign the attached Release of Lien on the property (Legal description on file in the City Clerk's Office) for consideration paid to the City in full satisfaction of amount owed pursuant to this condemnation lien:

	<u>Lien Amount Paid in Full</u>
7314 Dale Road	\$1,671.46

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Motion made, seconded and unanimously carried to move to the regular agenda the following:

RESOLUTION

A RESOLUTION AUTHORIZING THE PROJECT KNOWN AS THE INTERNATIONAL BRIDGES TOLL PLAZA FACILITIES CONSTRUCTION PROJECT; DETERMINING THE PUBLIC NECESSITY; AUTHORIZING THE ACQUISITION OF PROPERTY FOR THE PROJECT; AUTHORIZING THE DEPUTY CHIEF ADMINISTRATIVE OFFICER FOR BUILDING AND PLANNING SERVICES TO TAKE ALL STEPS NECESSARY TO ACQUIRE THE NEEDED PROPERTY RIGHTS IN COMPLIANCE WITH ALL APPLICABLE LAWS AND REGULATIONS.

WHEREAS, the Texas Transportation Commission, through Minute Order #107952 dated September 30, 1999 and subsequent amendments, authorized a state infrastructure bank loan to the City of El Paso for International Bridge improvements; and

WHEREAS, the purpose of the International Bridges Toll Plaza Facilities Construction Project ("Project") a component of the International Bridge Improvements Project, is to provide, among other things, construction of a toll booth plaza and housing of facilities and necessary site development for automated toll collection system for the Stanton and Santa Fe Street International Bridges. This Project is further described in **Attachment "A"** (Attachment "A" is on file in the City Clerk's Office); and

WHEREAS, it is necessary to acquire property rights, easements and/or lease agreements in those certain lots, tracts or parcels of land deemed necessary to complete the Project together with all necessary appurtenances, additions and improvements on, over, under, and through those certain lots, tracts or parcels of land to be acquired ("property rights"), which property rights are more specifically described in **Attachments "B" and "C"** (Attachments "A" and "B" are on file in the City Clerk's Office); and

WHEREAS, the Deputy Chief Administrative Officer for Building and Planning Services, or her designee, is specifically authorized and directed to do each and every act necessary, in compliance with all applicable laws and regulations including but not limited to 49CFR24, Uniform Relocation Assistance and Real Property Acquisition Policies Act, and subject to the availability of funds appropriated by City Council for such purpose, to acquire the needed property rights including but not limited to, the authority to negotiate, to approve offer value after appraisal, give notices, make written offers to purchase, prepare contracts and obtain the appropriate and necessary appraisal, title, survey, and insurance documents; and

WHEREAS, the Deputy Chief Administrative Officer for Building and Planning Services, or her designee, is specifically authorized to establish the just compensation for the acquisition of the property rights acquired for this Project; and

WHEREAS, the City Council has considered this project and hereby finds and determines that a public purpose and necessity exists for the Project, including but not limited to construction of a toll booth plaza, and housing of facilities and necessary site development for an automated toll collection system for the Stanton Street and Santa Fe Street International Bridges as further described in **Attachment "A"** (Attachment "A" is on file in the City Clerk's Office), and for the acquisition of certain property rights more specifically described in **Attachments "B" and "C"** (Attachments "B" & "C" are on file in the City Clerk's Office);

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

The findings, recitations, and provisions set out in this Resolution are adopted as follows.

1. **THAT** the Texas Transportation Commission, through Minute Order #107952 dated September 30, 1999 and subsequent amendments authorized a state infrastructure bank loan to the City of El Paso for International Bridge improvements.
2. **THAT** the purpose of the International Bridges Toll Plaza Facilities Construction Project ("Project"), a component of the International Bridge Improvements Project is to provide, among other things, construction of a toll booth plaza, housing of facilities and necessary site development for automated toll collection system for the Stanton and Santa Fe Street International Bridges. This Project is further described in **Attachment "A"** (Attachment "A" on file in the City Clerk's Office).
3. **THAT** it is necessary to acquire property rights, easements and/or lease agreements in those certain lots, tracts or parcels of land deemed necessary to complete the Project together with all necessary appurtenances, additions and improvements on, over, under, and through those certain lots, tracts or parcels of land to be acquired ("property rights"), which property rights are more specifically described in **Attachments "B" and "C"** (Attachments "B" and "C" on file in the City Clerk's Office).
4. **THAT** the Deputy Chief Administrative Officer for Building and Planning Services, or her designee is specifically authorized and directed to do each and every act necessary, in compliance with all applicable laws and regulations including but not limited to The Uniform Relocation Assistance and Real Property Acquisition Policies Act 49CFR24 and subject to the availability of funds appropriated by City Council for such purpose, to acquire the needed property rights including but not limited to, the authority to negotiate, to approve offer value after appraisal, give notices, make written offers to purchase, prepare contracts and obtain the appropriate and necessary appraisal, title, survey, and insurance documents.
5. **THAT** the Deputy Chief Administrative Officer for Building and Planning Services, or her designee, is specifically authorized to establish the just compensation for the acquisition of the property rights acquired for this Project.
6. **THAT**, the City Council has considered this project and hereby finds and determines that a public purpose and necessity exists for the Project including but not limited to construction of a toll booth plaza, and housing of facilities and necessary site development for an automated toll collection system for the Stanton Street and Santa Fe Street International Bridges as further described in **Attachment "A"** (Attachment "A" on file in the City Clerk's Office), and for the acquisition of certain property rights more specifically described in **Attachments "B" and "C"** (Attachments "B" and "C" on file in the City Clerk's Office).

Representative Cushing stated that it was his belief the project would be a very sufficient initiative to the City.

Mr. Daryl Cole, Street Director, gave a Powerpoint presentation explaining the project in detail.

Mr. Jim Martinez, Chief Administrative Officer, clarified that Mr. Cole had been diligently working on the project for some time.

Representatives Cushing, Cook, and Rojas congratulated Mr. Cole on his efforts.

Motion made by Representative Cook, seconded by Representative Power and unanimously carried to approve the above Resolution.

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Motion made, seconded and unanimously carried to move to the regular agenda the following:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a LOCAL PROJECT ADVANCE FUNDING AGREEMENT for a Landscaping Project (Off State System) ("Agreement") between the City of El Paso ("City") and the State of Texas, acting by and through the Texas Department of Transportation ("State"). The scope of work for this Agreement is described as landscaping existing medians with additional groundcover to include stamped concrete, loose aggregate, additional vegetation and irrigation system on Montana Avenue from Trowbridge to Paisano. The Mayor is hereby authorized to execute any necessary budget transfers to accomplish the intent of this Resolution.

Representative Rojas requested further information how other City districts could be included.

Ms. Teresa Quezada, Capital Development Program Administrator, explained that the Texas Department of Transportation would solicit the Community for projects and answered questions from and responded to comments made by the Council Members.

Representative Cook provided background information regarding the "Montana Motor Mile" project utilizing TxDOT funding.

Motion made by Representative Lozano, seconded by Representative Cushing and unanimously carried to approve the above resolution.

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Motion made, seconded and unanimously carried to move to the regular agenda the following:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **RAUL GOMEZ**, to assist the Comptroller's Department as a Clerical Aide at an hourly rate of \$8.33 not to exceed 40 hours per week. The term of the contract shall be for the period of June 16, 2004 through September 16, 2004.

Representative Power highlighted the accomplishments of the TACE Center and thanked Ms. Terry A. Bond, Director of Human Resources and Dr. Lee Sullivan, El Paso Community College, Director of the Transition Adjustment and Career Education Program.

Dr. Sullivan expressed her gratitude toward Representative Power for his diligent work, Ms. Yolanda Honor, El Paso Community College, City staff, and the Upper Rio Grande Workforce, grant managers, for assisting in the implementation of the job carving program.

Ms. Bond explained the funding mechanisms for the program and added that the employees would be working at no cost to the City for the first 90 days.

Representative Power stated that he would propose permanent employment for these employees and would request additional employees during the budget hearing meetings.

Representative Cook complimented Representative Power for his tenacity in implementing the program.

Motion made by Representative Power, seconded by Representative Cook and unanimously carried to approve the above Resolution.

NOTE: Resolutions approving contracts with Raul Gomez, Elias Khoury, Alberto Rodriguez and Victor S. Pichardo were all considered together.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Application for Renewal on behalf of the El Paso City-County Health and Environmental District. The Application for Renewal is used to renew the certificate of registration issued by the Texas Department of Public Safety under the Texas Controlled Substances Act.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor be authorized to sign an Application for Renewal on behalf of the El Paso City-County Health and Environmental District. The Application for Renewal is used to renew the certificate of registration issued by the Texas Department of Public Safety under the Texas Controlled Substances Act.

.....
***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **DAVID P. HERRERA**, to assist the Museum of Art as an instructor for the Armijo Teen Program at the rate of \$20 per hour, not to exceed a total of 16 hours and a maximum amount of \$320.00. The term of the contract shall be from June 16, 2004 through August 6, 2004.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **NORMA NAJERA-MACIAS**, to aid the Museum of Art in teaching the Neighborhood Kids Program at the rate of \$20.00 per hour, not to exceed 10 hours per week and a maximum amount of \$1,080. The term of the contract shall be from June 16, 2004 through August 6, 2004.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Agreement for Engineering Services by and between the **CITY OF EL PASO** and **CONDE, INC.**, for a project known as "**North Park Drainage**", in an amount not to exceed ONE HUNDRED NINETY-EIGHT THOUSAND ONE HUNDRED TWENTY-EIGHT and 00/100 DOLLARS (\$198,128.00).

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Motion made, seconded and unanimously carried to move to the regular agenda the following:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Agreement for Electrical Engineering Services by and between the **CITY OF EL PASO** and **PARKHILL SMITH & COOPER, INC.**, for a two (2) year period for an amount not to exceed ONE MILLION AND 00/100 DOLLARS (\$1,000,000.00).

Representative Cook questioned the distribution of work for "on call" contracts.

Motion made by Representative Cook, seconded by Representative Cobos and unanimously carried to approve the above resolution.

NOTE: Resolutions approving agreements with Parkhill Smith & Cooper, Inc. and Professional Service Industries, Inc. were discussed together.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Agreement for Engineering Services by and between the **CITY OF EL PASO** and **MORENO CARDENAS, INC.**, for a project known as "**Carlson/Elliott Pump Station**", in an amount not to exceed FIFTY EIGHT THOUSAND SIX HUNDRED NINETEEN AND 88/100 DOLLARS (\$58,619.88).

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Motion made, seconded and unanimously carried to move to the regular agenda the Resolution that the Mayor be authorized to sign an Agreement for Geotechnical and Testing Laboratory Services by and between the **CITY OF EL PASO** and **PROFESSIONAL SERVICE INDUSTRIES, INC.**, for a two (2) year period for an amount not to exceed ONE MILLION FIVE HUNDRED THOUSAND AND 00/100 DOLLARS (\$1,500,000.00).

1st Motion

Motion made by Representative Power, seconded by Representative Austin and carried to postpone one (1) week the Resolution that the Mayor be authorized to sign an Agreement for Geotechnical and Testing Laboratory Services by and between the **CITY OF EL PASO** and **PROFESSIONAL SERVICE INDUSTRIES, INC.**, for a two (2) year period for an amount not to exceed ONE MILLION FIVE HUNDRED THOUSAND AND 00/100 DOLLARS (\$1,500,000.00).

AYES: Representatives Austin, Lozano, Power, and Escobar

NAYS: Representatives Cushing, Cook, Rojas, Cobos, and Mayor Wardy

Mayor Wardy voted NAY to break the tie. Motion to postpone one (1) failed.

2nd Motion:

Motion made by Representative Cook, seconded by Representative Cushing and carried to deny the Resolution that the Mayor be authorized to sign an Agreement for Geotechnical and Testing Laboratory Services by and between the **CITY OF EL PASO** and **PROFESSIONAL SERVICE INDUSTRIES, INC.**, for a two (2) year period for an amount not to exceed ONE MILLION FIVE HUNDRED THOUSAND AND 00/100 DOLLARS (\$1,500,000.00).

AYES: Representatives Cushing, Cook, Escobar, Cobos, and Mayor Wardy

NAYS: Representatives Austin, Lozano, Power, and Rojas

Mayor Wardy voted AYE to break the tie. Motion to deny passes.

NOTE: Resolutions approving agreements with Parkhill Smith & Cooper, Inc. and Professional Service Industries, Inc. were discussed together.

Representative Cook questioned the distribution of work regarding "on call" contracts awarded through the Engineering Department.

Mr. Jim Martinez, Chief Administrative Officer, explained.

Representative Cushing noted that Professional Services Industries, Inc. was not an El Paso firm and expressed his concern that the drainage studies would be awarded to an out-of-town vendor.

Ms. Irene Ramirez, Interim City Engineer, explained that the A&E Selection Committee had selected PSI, under the new A&E Selection Ordinance. She explained that Raba-Kistner currently provided the geotechnical and testing services, as well as construction inspection services, for the Quality of Life projects and added that the Licon contract had expired.

Representative Austin questioned Mr. Raymond L. Telles, Assistant City Attorney, who provided legal advice and added that Council Members have the ability to reject the award. He noted that the firms who were not selected had not utilized the appeal process available to them.

Mayor Joe Wardy provided additional explanation and added that it was the Council's determination to "buy local". He requested that Ms. Ramirez provide the Council Members with copies of score sheets and other information from the A&E Selection Committee process.

Representative Cobos requested that an executive session item be placed on next week's City Council agenda regarding Licon.

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*Motion made, seconded and unanimously carried to postpone one (1) week the Resolution that the City waive all of its portion of payment in lieu of taxes (P.I.L.O.T.) from the Housing Authority of the City of El Paso until November 1, 2013 in accordance with the Cooperation Agreement, and amendments thereto, between the City and the Housing Authority, with the monies to be designated to the Y.W.C.A. for childcare services in public housing complexes and/or for the benefit of public housing residents.
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Motion made, seconded and unanimously carried to move to the regular agenda the following:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **ELIAS KHOURY**, to assist the Human Resources Department as a File Clerk at an hourly rate of \$8.33 not to exceed 40 hours per week. The term of the contract shall be for the period of June 16, 2004 through September 16, 2004.

See page 7 for discussion.

Motion made by Representative Power, seconded by Representative Cook and unanimously carried to approve the above resolution.

NOTE: Resolutions approving contracts with Raul Gomez, Elias Khoury, Alberto Rodriguez and Victor S. Pichardo were all considered together.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a contract with **BRUCE PONDER** for professional services as Hearing Officer for the Civil Service Commission, for a period from June 16, 2004 through September 15, 2004, at the rate of \$100.00 per hour, not to exceed 25 hours per month without prior approval of the Commission Chair.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Library Director be authorized to sign an Exhibit Contract with Miguel Gonzalez covering an exhibit of "Wood carved figures" at the Lower Valley Branch of the El Paso Public Library System for the period of August 2 through 31, 2004. This exhibition is at no cost to the City.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Library Director be authorized to sign an Exhibit Contract with Hilaria A. Duran covering an exhibit of "Paintings by her 9-year-old son" at the Lower Valley Branch of the El Paso Public Library System for the period of July 1 through 31, 2004. This exhibition is at no cost to the City.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the El Paso Public Library be authorized to serve wine and beer at the Clardy Fox Branch on Saturday, June 19, 2004, from 6:00 p.m. to 10:00 p.m. at a "Thank You Party" to recognize all sponsors and volunteers of the 2004 Dia de los Niños/Dia de los Libros celebration held on April 24, 2004.

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Motion made, seconded and unanimously carried to move to the regular agenda the following:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **ALBERTO RODRIGUEZ**, to assist the Mass Transit Department as a Building Maintenance Helper at an hourly rate of \$9.39 for a minimum of 20 hours per week. The term of the contract shall be for the period of June 16, 2004 through September 16, 2004.

See page 7 for discussion.

Motion made by Representative Power, seconded by Representative Cook and unanimously carried to approve the above resolution.

NOTE: Resolutions approving contracts with Raul Gomez, Elias Khoury, Alberto Rodriguez and Victor S. Pichardo were all considered together.

Motion made, seconded and unanimously carried to postpone one (1) week the Resolution that the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **ANGIE CASAREZ**, to assist the Mayor and City Council as a Public Information Clerk at an hourly rate of \$9.67 for 40 hours per week. The term of the contract shall be for the period of June 16, 2004 through June 15, 2005.

Motion made by Representative Cushing, seconded by Representative Power and unanimously carried to reconsider the Resolution that the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **ANGIE CASAREZ**, to assist the Mayor and City Council as a Public Information Clerk at an hourly rate of \$9.67 for 40 hours per week. The term of the contract shall be for the period of June 16, 2004 through June 15, 2005.

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **ANGIE CASAREZ**, to assist the Mayor and City Council as a Public Information Clerk at an hourly rate of \$9.67 for 40 hours per week. The term of the contract shall be for the period of June 16, 2004 through June 15, 2005.

Mayor Joe Wardy explained the need for the contract to the Council Members, noting that the previous Public Information Clerk had moved on to work with Representative Rojas, creating a vacancy.

Representative Cobos made comments addressing the term of the contract.

Representative Austin noted that the contract was terminable by either party without cause in ten days.

Motion made by Representative Cushing, seconded by Representative Power and unanimously carried to approve the above Resolution.

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Motion made, seconded and unanimously carried to move to the regular agenda the following:

R E S O L U T I O N

WHEREAS, the City of El Paso desires to provide recreational facilities to its citizens and has recognized a need for the use of a soccer complex on the property of Fort Bliss; and

WHEREAS, Fort Bliss has land located on Biggs Army Airfield which is not currently needed in the performance of its mission and which is available for a soccer complex; and

WHEREAS, the City and Fort Bliss recognize that an agreement for the joint use of the proposed soccer fields at Biggs Park would provide a health and recreational benefit to the citizens of El Paso and to the Fort Bliss community;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Memorandum of Agreement among the City of El Paso, the U.S. Army Air Defense Artillery Center and Fort Bliss, and the El Paso Water Utilities, Public Service Board, providing for the construction and maintenance by the City of a soccer complex on property owned by Fort Bliss at Biggs Park and the joint use of such complex by the citizens of El Paso and the personnel of Fort Bliss, subject to environmental clearance for the project and negotiation of a lease agreement for the property.

Mr. Ray Gilbert, citizen, questioned the location of the soccer fields and complimented the City's joint efforts with the military community.

Mayor Joe Wardy explained that the soccer fields would be located between Butterfield Industrial Park and Biggs Army Air Field.

Motion made by Representative Power, seconded by Representative Cushing and unanimously carried to approve the above resolution.

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*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to execute the following **INDEPENDENT CONTRACTOR** contracts on behalf of the **PARKS AND RECREATION DEPARTMENT**. Funding for these contracts is in fiscal year **2003/2004** appropriations to be approved by the City Council.

ACOSTA SPORTS RECREATION CENTER
DEPARTMENT ID: 51510215, ACCOUNT 502215

- 1. CONTRACTOR: Jose Aguinaga, Field Supervisor
DATES: June 16, 2004 through August 31, 2004
RATE PER CL: \$11.00
MAXIMUM AMT: \$3,300.00
CONTRACT: **2003/2004-153**

- 2. CONTRACTOR: Elizabeth Mata, Scorekeeper
DATES: June 16, 2004 through August 31, 2004
RATE PER CL: \$10.00
MAXIMUM AMT: \$700.00
CONTRACT: **2003/2004-154**

- 3. CONTRACTOR: El Paso Umpires Association, Umpires/Scorekeepers
DATES: June 16, 2004 through August 31, 2004
RATE PER CL: \$58.00
MAXIMUM AMT: \$6,960.00
CONTRACT: **2003/2004-155**

- 4. CONTRACTOR: El Paso Umpires Association, Umpires/Scorekeepers
DATES: June 16, 2004 through August 31, 2004
RATE PER CL: \$56.00
MAXIMUM AMT: \$5,600.00
CONTRACT: **2003/2004-156**

- 5. CONTRACTOR: El Paso Umpires Association, Umpires/Scorekeepers
DATES: June 16, 2004 through August 31, 2004
RATE PER CL: \$54.00
MAXIMUM AMT: \$4,320.00
CONTRACT: **2003/2004-157**

.....
*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to execute the following **EMPLOYEE CONTRACTOR** contracts on behalf of the **PARKS AND RECREATION DEPARTMENT**. Funding for these contracts is in fiscal year **2003/2004** appropriations to be approved by the City Council.

NORTHEAST RECREATION CENTER

DEPARTMENT ID: 51510107, ACCOUNT 502215

1. CONTRACTOR: Shannon M. Berg, Daycare Instructor
DATES: June 16, 2004 through August 31, 2004
RATE PER HR: \$6.35
CONTRACT NO: **2003/2004-278**

.....
***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to execute the following **EMPLOYEE CONTRACTOR** contracts on behalf of the **PARKS AND RECREATION DEPARTMENT**. Funding for these contracts is in fiscal year **2003/2004** appropriations to be approved by the City Council.

AQUATICS

DEPARTMENT ID: 51010281, ACCOUNT 501011

1. CONTRACTOR: Adriana Blackburn, Outdoor Pool Manager, Step 2
DATES: June 16, 2004 through September 30, 2004
RATE PER HR: \$7.50
CONTRACT NO: **2003/2004-279**
2. CONTRACTOR: Raul Caudillo, Jr., Pool Attendant, Step 1
DATES: June 16, 2004 through September 30, 2004
RATE PER HR: \$5.40
CONTRACT NO: **2003/2004-280**
3. CONTRACTOR: Samantha Delgado, Lifeguard, Step 2
DATES: June 16, 2004 through September 30, 2004
RATE PER HR: \$6.00
CONTRACT NO: **2003/2004-281**
4. CONTRACTOR: Nathanael J. Pepper, Swim Instructor, Step 1
DATES: June 16, 2004 through September 30, 2004
RATE PER HR: \$5.35
CONTRACT NO: **2003/2004-282**
5. CONTRACTOR: Jorge A. Rodriguez, Swim Instructor, Step 1
DATES: June 16, 2004 through September 30, 2004
RATE PER HR: \$5.35
CONTRACT NO: **2003/2004-283**
6. CONTRACTOR: Beltsabe O. Schroder, Swim Instructor Coordinator, Step 1
DATES: June 16, 2004 through September 30, 2004
RATE PER HR: \$6.50
CONTRACT NO: **2003/2004-284**

7. CONTRACTOR Nicole M. Stewart, Lifeguard, Step 2
 DATES: June 16, 2004 through September 30, 2004
 RATE PER HR: \$6.00
 CONTRACT NO: **2003/2004-285**

8. CONTRACTOR: Angelica Vasquez, Pool Attendant, Step 1
 DATES: June 16, 2004 through September 30, 2004
 RATE PER HR: \$5.40
 CONTRACT NO: **2003/2004-286**

.....
***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Agreement for Architectural Services by and between the **CITY OF EL PASO** and **ARTCHITECTURE I, LP dba ARTchitecture**, for a project known as "**Grandview Park and Pool**", in an amount not to exceed FIFTY SEVEN THOUSAND ONE HUNDRED SIXTY-FIVE and 00/100 DOLLARS (\$57,165.00).

.....
***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Agreement for Architectural Services by and between the **CITY OF EL PASO** and **SYNTHESIS ARCHITECTURE, INC.**, for a project known as "**MONTWOOD HEIGHTS PARK**", in an amount not to exceed FIFTY-SIX THOUSAND EIGHT HUNDRED FIFTY-TWO and 00/100 DOLLARS (\$56,852.00).

.....
 Motion made, seconded and unanimously carried to move to the regular agenda the following:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **VICTOR S. PICHARDO**, to assist the Police Department as a File Clerk at an hourly rate of \$8.33 for no more than 40 hours per week. The term of the contract shall be for the period of June 16, 2004 through September 16, 2004.

See page 7 for discussion.

Motion made by Representative Power, seconded by Representative Cook and unanimously carried to approve the above resolution.

NOTE: Resolutions approving contracts with Raul Gomez, Elias Khoury, Alberto Rodriguez and Victor S. Pichardo were all considered together.

.....
***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Cooperative Working Agreement between the City of El Paso and the El Paso County Metro Narcotics Task Force, in conjunction with the Task Force's application

for grant funding from the Criminal Justice Division of the Governor's Office. This agreement does not require or obligate any City funds.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Lease Addendum to the Lease Agreement between the City of El Paso and Larry Boaz signed on or about April 20, 1999, for office space to be used by the Police Department to extend the lease for an additional 60 month period beginning October 1, 2004.

*Motion made, seconded and unanimously carried to delete A Resolution of the City of El Paso, Texas, supporting a delay of retail competition for El Paso Electric Company.

***RESOLUTION**

WHEREAS, in accordance with Section 9.04.380, entitled Abatement, of Chapter 9.04, Solid Waste Management, of the El Paso City Code, after providing due notices to the owner, FRANK J & PATRICIA FRASCELLA of the hereinafter described property that the owners' property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code, and the owners, having failed to comply with due notices, the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Department of Solid Waste Management has reported the cost of doing such work in the amount hereinafter set forth;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

5677 COSTA BLANCA, City of El Paso, El Paso County, Texas, being more particularly described as Lot 2, BLOCK 4, Colonia Miramonte Subdivision, Parcel #C736-999-0040-0300,

to be ONE HUNDRED THIRTY NINE AND 64/100 as reported by the Director of the Department of Solid Waste Management. The City Council finds that the work was performed on the Twenty-ninth day of October, 2002, approves the costs.

2. The City Council, in accordance with Section 9.04.380 of the El Paso City Code, declares the above total amount ONE HUNDRED THIRTY NINE AND 64/100 to be a lien on the above described property, said amount being due and payable within thirty (30) days from date of Council approval, and thereafter bearing ten percent (10%) interest per annum.

3. The City Clerk is directed to give notice of this Lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's office relating to the proceeding against the above-described property are made a part of this Resolution by reference.

*Motion made, seconded and unanimously carried to delete placing a lien on the following properties (legal description on file with the City Clerk) and in the following amounts for work performed by the City pursuant to Chapter 9.04 (Solid Waste Management of El Paso Municipal Code).

4124 Snowflake Court	\$214.88	Reyes T. Rodriguez
9969 Honey Locust Lane	\$212.17	Fong & Esther Sang
11506 James Grant Drive	\$290.65	Rosie Castillo
8055 Meraz Street	\$173.20	Ignacio and Martha De La Cruz

.....

***RESOLUTION**

WHEREAS, in accordance with Section 9.04.380, entitled Abatement, of Chapter 9.04, Solid Waste Management, of the El Paso City Code, after providing due notices to the owner, JUAN & ARACELI LOPEZ of the hereinafter described property that the owners' property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code, and the owners, having failed to comply with due notices, the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Department of Solid Waste Management has reported the cost of doing such work in the amount hereinafter set forth;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

3104 Tularosa Avenue, City of El Paso, El Paso County, Texas, being more particularly described as Lot 30 & E ½ of 31 (5250 SQ FT), Block 83, East El Paso Subdivision, Parcel #E014-999-0830-8500,

to be TWO HUNDRED ONE DOLLARS AND 35/100 (\$ 201.35) as reported by the Director of the Department of Solid Waste Management. The City Council finds that the work was performed on the Eleventh day of February, 2004, approves the costs.

2. The City Council, in accordance with Section 9.04.380 of the El Paso City Code, declares the above total amount TWO HUNDRED ONE DOLLARS AND 35/100 (\$ 201.35) to be a lien on the above described property, said amount being due and payable within thirty (30) days from date of Council approval, and thereafter bearing ten percent (10%) interest per annum.

3. The City Clerk is directed to give notice of this Lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's office relating to the proceeding against the above-described property are made a part of this Resolution by reference.

.....

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign release of liens on the following property (legal description on file in the City Clerk's Office) for consideration paid to the City in full satisfaction of amount owed pursuant to these sanitation liens for:

	<u>Lien</u>	<u>Interest</u>	<u>Total Paid</u>
2431 E. Yandell	\$135.01	\$50.17	\$185.48
2431 E. Yandell	\$113.39	\$29.37	\$142.76
2431 E. Yandell	\$140.18	\$20.38	\$160.56

.....
***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Agreement with LA POSADA HOME, INC. to provide One (1) Four (4) cubic yard Container for a service fee of \$ 15.00 for each month for the purpose of collecting the company's recyclable materials in conjunction with the Department of Solid Waste Management's recycling program.

.....
*NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 13th day of July, 2004 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 3802 E. San Antonio Avenue, in El Paso, Texas, which property is more particularly described as:

Lot: 20, Block 22, W. B. Latta's "Woodlawn" Addition, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on File in Book 13, Page 53, Plat Records of El Paso County, Texas

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Jose Quintana, 3802 E. San Antonio Avenue, El Paso, Texas 79905, is listed as the Owner of the real property described herein.

The Owner of said property is hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owner, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to bring the building into compliance with Titles 17 and 18 of the code as mandated by Section 18.52.040 of the Municipal Code, and to specify the time it will take to reasonably perform the work.

At the hearing, the owner, lien holders, mortgagees, or any other person having an interest in the property must present to City Council any evidence showing that the structure or part thereof is safe.

All documents such as building plans, specifications, drawings, reports from design professionals and any other required documents must be presented to City Council at this hearing.

The time periods, which govern the completion of work ordered by Council, are outlined in Subsection 18.52.040 (3) pursuant to State law.

If the Owner fails, neglects or refuses to comply with the order of City Council the City may pursue one, or more of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owner, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owner for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owner shows that the property is the Owner's lawful homestead and;
- III) the Owner may be confined in jail as permitted by state law and;
- IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owner and all other persons having an interest in the property as provided by law.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5th floor, City Hall, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

.....
*NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 13th day of July, 2004 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 1324 Myrtle Avenue, in El Paso, Texas, which property is more particularly described as:

Lots: 11 and 12, Block 32, Franklin Heights, an Addition to the City of El Paso, El Paso County, Texas

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Alicia P. Bustamante, 3208 Donegal Road, El Paso, Texas 79925-4148, is listed as the Owner of the real property described herein.

The Owner of said property is hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owner, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to bring the

building into compliance with Titles 17 and 18 of the code as mandated by Section 18.52.040 of the Municipal Code, and to specify the time it will take to reasonably perform the work.

At the hearing, the owners, lien holders, mortgagees, or any other person having an interest in the property must present to City Council any evidence showing that the structure or part thereof is safe.

All documents such as building plans, specifications, drawings, reports from design professionals and any other required documents must be presented to City Council at this hearing.

The time periods, which govern the completion of work ordered by Council, are outlined in Subsection 18.52.040 (3) pursuant to State law.

If the Owner fails, neglects or refuses to comply with the order of City Council the City may pursue one, or more of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owner, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owner for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owner shows that the property is the Owner's lawful homestead and;
- III) the Owner may be confined in jail as permitted by state law and;
- IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owner and all other persons having an interest in the property as provided by law.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5th floor, City Hall, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

.....
*Motion made, seconded and unanimously carried to approve the Staffing Table Change for **STREET**

Delete	1.00	Toll Collection Superintendent	GS 27
Delete	2.00	Toll Collection Supervisor	GS 20
Add	1.00	Toll Collection Manager	PM 77
Add	2.00	Toll Collection Supervisor	GS 21

.....
*Motion made, seconded and unanimously carried to approve the Staffing Table Change for **MAYOR & COUNCIL**

Delete	1.00	Secretary I	GS13
Add	1.00	Secretary III	GS19

*Motion made, seconded and unanimously carried that the following tax refunds be approved:

- A.** UPS Supply Chain Solutions in the amount of \$38,184.92, overpayment of 2003 taxes.
(PID #2003-999-3379-0034)
- B.** Richard Phinney in the amount of \$2,358.72 overpayment of 2003 taxes.
(PID #A462-999-2160-4100)
- C.** Washington Mutual in the amount of \$4,302.93, overpayment of 2002 taxes.
(PID #C882-999-0020-1300)
- D.** Stewart Title Co. in the amount of \$2,886.51, overpayment of 2003 taxes.
(PID #E054-999-0060-5300)
- E.** Fidelity National Tax Service in the amount of \$5,577.60, overpayment of 2003 taxes.
(PID #E054-999-0320-5500)
- F.** Mills Escrow Company in the amount of \$2,605.76, overpayment of 2003 taxes.
(PID #E073-999-000W-1300)
- G.** Hector I. Reyes in the amount of \$10,000.00, overpayment of 2003 taxes.
(PID #F607-999-0810-5500)
- H.** Irene Barnard in the amount of \$3,336.78, overpayment of 2003 taxes.
(PID #M296-999-0010-7100)
- I.** Hector I. Reyes in the amount of \$4,617.20, overpayment of 2003 taxes.
(PID #M344-999-0070-9920)
- J.** Salvador David Reyes in the amount of \$5,369.85, overpayment of 2003 taxes.
(PID #M344-999-0070-9970)
- K.** Lereta Corp. in the amount of \$3,292.35, overpayment of 2002 taxes.
(PID #N425-999-0010-0900)
- L.** Wells Fargo Home Mortgage in the amount of \$4,320.22, overpayment of 2003 taxes.
(PID #S812-999-0250-0400)
- M.** Fairbanks Capital c/o Land America in the amount of \$3,467.06, overpayment of 2003 taxes.
(PID #V927-999-0500-6500)

.....
*Motion made, seconded and unanimously carried to approve the request authorizing to allocate \$4,000.00 from District 2 Discretionary Funds to support the Neighborhood Youth Outreach Program, Summer Camp Program at Grandview/Sacramento Centers.

.....
*Motion made, seconded and unanimously carried that the Director of Purchasing be authorized to exercise the City's Option "A" to purchase additional quantities pursuant to the terms of Contract No. 2004-034C for Automated Side Load Refuse Trucks with Rush Truck Center –El Paso.

Department: Solid Waste Management
Funds Available: 34340200-508006-40415
Funding Source: FY2004 Solid Waste Management Revenue Bonds
Item: 1 - Side Load Refuse Trucks (5 Each) with Options O3 and O8 @ \$152,428.00 each
Award Amount: \$762,140.00

.....
*Motion made, seconded and unanimously carried to award Bid No. 2004-161 T-Hangar Electrical System Upgrade

Contractor: Rio Bravo Electric, Inc. dba Rio Grande Electric
El Paso, Texas

Department: El Paso International Airport
Funds Available: 62620024-PAP0025-41064-508027
Funding Source: General & Commercial Aviation
Items: Base Bid \$175,500.00

Total Award: \$175,500.00

The Departments of Purchasing, Engineering and El Paso International Airport recommend the award of this contract to Rio Bravo Electric, Inc., dba Rio Grande Electric the low responsible, responsive bidder. It is requested that the Mayor of the City of El Paso be authorized to sign the referenced contract approved by the City Engineer, Contract Compliance, and the City Attorney. Additionally, it is requested that the Mayor be authorized to execute budget transfers for this award and project, as necessary.

As part of the award of this contract, the City Engineer is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order, and not to exceed the total of 10% of the original contract price as awarded, without further authorization by City Council.

.....
*Motion made, seconded and unanimously carried to award Bid No. 2004-175 Security Monitoring Services, Parks & Recreation Facilities

Award to: Nu-Con Safety & Sound
El Paso, TX
Item (s): All
Amount: \$22,000.00 (estimated year)

Department: Parks & Recreation
Funds available: 51010256-01101-502226
Funding source: Operating Funds - Building Facility Maintenance Contract
Total award: \$66,000.00 (estimated)

Parks and Recreation and Purchasing Departments recommend award as indicated as this vendor has provided the sole responsive offer meeting specifications.

This is a thirty-six (36) months contract with no option to extend the contract. Additionally, Nu-Con Safety & Sound offers a 2% 30 Days Prompt Payment discount.

.....
*Motion made, seconded and unanimously carried to approve budget transfer BT2004-815 AIRPORT

Transfer of funds to cover the increase in cost of terminal cleaning service by Texas Industries for the Blind and Handicapped, Inc. for the remainder of the year.

Increase	\$21,000	to	62620005/40101/502206	MaintSvcCnt
Increase	\$21,000	to	62620005/40101/407001	Intrfd Trnsf In
Increase	\$21,000	to	62620018/P50000241021/407002	Est Rev
Increase	\$21,000	to	62620018/P50000241021/507001	IntrfdTrnsfOut

.....
*Motion made, seconded and unanimously carried to approve budget transfer BT2004-816 AIRPORT

Transfer of funds to cover the cost of airfield maintenance that has exceeded original estimates.

Increase	\$30,000	to	62620009/40101/503200	Fac Maint
Increase	\$30,000	to	62620009/40101/407001	Intrfd Trnsf In
Increase	\$30,000	to	62620018/P50000241021/407002	Est Rev
Increase	\$30,000	to	62620018/P50000241021/507001	IntrfdTrnsfOut

.....
*Motion made, seconded and unanimously carried to approve budget transfer BT2004-817 AIRPORT

Transfer of funds to set up appropriation for the project to update the Airport master plan.

Increase	\$910,000	to	62620020/PAP003141072/502215	OtsdContNOC
Increase	\$910,000	to	62620020/PAP003141072/407001	Intrfd Trnsf In
Increase	\$910,000	to	62620018/P50000241021/407002	Est Rev
Increase	\$910,000	to	62620018/P50000241021/507001	IntrfdTrnsfOut

.....
*Motion made, seconded and unanimously carried to approve budget transfer BT2004-818 AIRPORT

Transfer of funds to cover acquisition of a tow bar capable of towing large planes in the event of an emergency.

Increase	\$3,701	to	62620020/P50000441022/508008	Maj Off Equip
Increase	\$3,701	to	62620020/P50000441022/407001	Intrfd Trnsf In
Increase	\$3,701	to	62620018/P50000241021/407002	Est Rev
Increase	\$3,701	to	62620018/P50000241021/507001	IntrfdTrnsfOut

.....
*Motion made, seconded and unanimously carried to approve budget transfer BT2004-820 AIRPORT

Transfer of funds to cover the increased cost of the ARFF building expansion project based on bids received.

Increase	\$40,000	to	62620029/PAP000700141062/508027	Construction
Increase	\$40,000	to	62620029/PAP000700141062/407001	Intrfd Trnsf In
Increase	\$40,000	to	62620018/P50000241021/407002	Est Rev
Increase	\$40,000	to	62620018/P50000241021/507001	IntrfdTrnsfOut

.....
Motion made, seconded and unanimously carried to move to the regular agenda budget transfer BT2004-828 BUILDING AND PLANNING SERVICES.

Motion made by Representative Cook, seconded by Representative Escobar and unanimously carried to approve budget transfer BT2004-828 BUILDING AND PLANNING SERVICES

Representative Cushing questioned the project and project budget to which the monies would be allocated and why the delay in utilizing the monies.

Mr. Bill Chapman, Deputy Chief Administrative Officer for Financial and Administrative Services, provided an explanation for utilizing the 1987A Issue General Obligation bonds. He answered questions from and responded to comments made by the Council Members.

Ms. Teresa Quezada, Capital Development Program Administrator, provided additional funding information regarding the TxDOT projects.

Mayor Joe Wardy requested that City staff apprise the Council Members of financial issues and provide a ledger prior to placement on the City Council Agenda. He additionally requested that the Council Members receive monthly detailed financial reports.

Mr. Jim Martinez, Chief Administrative Officer, added that a review of past project budgets had revealed the balance available for transfer to new projects.

Mr. Ray Gilbert, citizen, commented on his disappointment with the City's accounting practices.

Building and Planning Services proposes to appropriate \$769,318.22 of remaining cash from 1987A Issue General Obligation bonds to a project budget. Funding source is 1987 GOs.

Motion made, seconded and unanimously carried to move to the regular agenda budget transfer BT2004-843 BUILDING AND PLANNING SERVICES.

Motion made by Representative Cook, seconded by Representative Escobar and unanimously carried to approve budget transfer BT2004-843 BUILDING AND PLANNING SERVICES

Decrease	\$514,714.90	from	31115108/P59999926061/508027	Construction
Increase	\$514,714.90	to	31115108/PPWST0303326067/407001	Intrfd Trnsf
Increase	\$514,714.90	to	31115108/P59999926061/507001	Intrfd Trnsf
Increase	\$514,714.90	to	31115108/PPWST0303326067/508027	Construction

*Motion made, seconded and unanimously carried to approve the request of Rim University Neighborhood Association to hold a 4th of July children's parade on July 4, 2004 from 10:00 a.m. to 1:00 p.m. Route: Start on Rim at the intersection of Kirby and Brown; proceed on Rim Road to Tom Leigh Park. Approximately 100 persons, 6 vehicles will take part and 30 spectators are anticipated. PERMIT NO. 04-056. [E.R. Lilly]

B. An ordinance amending the 2025 proposed thoroughfare system as detailed in the map atlas of The Plan for El Paso and its related documents as originally approved by the El Paso City Council in 1999, and as subsequently amended, to delete Gomez Road and the extension of Redd Road across the Rio Grande.

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

REGULAR COUNCIL MEETING – JUNE 15, 2004

.....
Motion made by Representative Austin, seconded by Representative Lozano and unanimously carried to 1) accept the report from the Mayor's Blue Ribbon Ad Hoc Committee to Review the CDBG Funding Process; 2) direct staff to proceed with making policy changes on recommendations one through five; and 3) refer recommendation six to the Community Development Legislative Review Committee.

Recommendation #1 – The RFP Process

Recommendation #2 – Strategic Direction for CDBG Funds

Recommendation #3 – Steering Committee, Appeals, and Grievances

Recommendation #4 – Collaborative Structure

Recommendation #5 – Limit Lobbying

Recommendation #6 – Social Service Permanent Fund

Representative Cobos was not present for the vote.

Copy of the report on file in the City Clerk's Office.

Mr. Jim Phillips, Chairman of the Mayor's Blue Ribbon Ad Hoc Committee, read the Committee's recommendations into the record. (on file in the City Clerk's office)

Representative Cook thanked the Committee for their hard work and questioned Ms. Lee Ann Koehler, Assistant City Attorney, as to whether or not the establishment of a City program/fund of \$20-\$25 million could be presented to the voters as a Bond issue. He recommended that Mayor Joe Wardy hold a formal meeting with the collaborative(s) in order to determine the City's needs prior to the development of the vision and strategic plan.

Ms. Koehler responded that the Legal Department would research and respond with a recommendation.

Ms. Myrna Deckert, Committee Member, recommended that the City Attorney's office research the possibilities of holding a Bond election and opined that the City of Knoxville, Tennessee had previously attempted the same endeavor.

Representative Rojas thanked the Committee for their time and effort and noted that she had attended several meetings with the collaborative(s). She was pleased the Committee had incorporated her suggestions into the recommendations. She requested that the language in step 1 read as follows: "Each year, the Mayor as the principal elected official of the City, **will** solicit input from City Council".

Representative Cushing requested that the Legal Department implement the Committee's recommendations as an effective part of the City.

Representative Austin thanked the Committee for their great work and recommended that Council accept the report with the recommended changes, direct City staff to review and report to council in four weeks as to the implementation of recommendation numbers 1 through 5, and that recommendation number 6 be sent to the Community Development Legislative Review Committee. Representative Lozano seconded.

Mayor Joe Wardy suggested that Council accept the recommendations and instruct the City Attorney's office to implement the recommendations into policy.

Ms. Lisa A. Elizondo, City Attorney, responded that the Legal Department would review the recommendations and draft a policy document.

Representative Austin questioned Ms. Koehler whether or not the Council had approved previous policies of Community Development Steering Committee and suggested that City staff place the recommendations into policy and bring the document back to the Council for approval.

Ms. Koehler responded that Council normally approved those policies in late August or early September for the next funding cycle.

Representative Cook suggested that the Council give the recommendations back to the Committee for them to modify as the item was not posted for Council action.

Mr. Phillips stated that the Committee would gladly accept the Council's modifications.

Representative Austin moved to accept the report of the Committee. Representative Rojas seconded.

Representative Austin questioned whether the Council could refer matters to Legislative Review Committees and withdrew her initial motion.

Representative Austin moved to accept the report and direct City staff to proceed with making the policy changes on recommendations 1 through 5. Representative Rojas seconded.

Representative Austin further moved to refer recommendation number 6 to the Community Development Legislative Review Committee. Representative Lozano had previously seconded Representative Austin's first motion to accept the report.

Mayor Wardy thanked all who were a part of the process and stated that a standard had been set that other cities may follow.

.....
Motion made, seconded and carried to postpone one (1) week the Resolution that the Mayor be authorized to sign a Joint Resolution approved by the Public Service Board (PSB) on June 9, 2004, and authorizing the sale from PSB to the City of a parcel identified as a portion of Tract1A, Nellie D. Mundy Survey No. 240, El Paso, El Paso County, Texas, consisting of 34.121 acres of land, more or less. Such parcel has been found to be inexpedient to use in connection with the Water and Wastewater System, and its sale will not impair the assets or adversely affect the operations of the El Paso Water Utilities. The parcel shall be used as a park site for the City, which will pay PSB the sum of \$278,750 plus the cost of appraisal, survey, and environmental review, Phase I, for the transfer. Source of funds will be the 2000 Quality of Life Bond proceeds.

AYES: Representatives Austin, Cushing, Lozano and Escobar
NAYS: Representatives Cook and Power
NOT PRESENT: Representatives Rojas and Cobos

.....
*Motion made, seconded and unanimously carried to postpone four (4) weeks an Ordinance Amending Title 18 (Building and Construction), by creating Chapter 18.11 (Barrier Free Construction), to require Specific Design Features to create barrier-free construction in new Single Family Dwellings, Duplexes, Triplexes, and Townhomes constructed within approved subdivisions. The penalty as being provided in Chapter 1.08.

.....
*Motion made, seconded and unanimously carried to delete the public hearing to determine if the property located at 4425 Sunrise Avenue, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. First investigated April 28th, 2003. The owner of this property, Michael V. Torres, 5104 Flower Drive, El Paso, Texas 79905, has been notified of the violations at this property. Delinquent taxes in the amount of \$0.

.....
*Motion made, seconded and unanimously carried to delete the public hearing to determine if the property located at 7429 Rose Circle, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. First investigated September 11th, 2003. The owners of this property, Teresa L. Lerma and Eduardo N. Lerma, 1417 Montana

Avenue, El Paso, Texas 79902, have been notified of the violations at this property. Delinquent taxes in the amount of \$873.84 for year 2003.

.....
RESOLUTION

WHEREAS, the Director for Building Permits and Inspections of the City of El Paso has conducted an investigation and has reported to the City Council in writing that he is of the opinion that the structure located on the property at 231 Lolita Place in El Paso, Texas, which property is more particularly described as follows:

Tract: 10C11, Block 46, Ysleta Grant, an Addition to the City of El Paso, El Paso County, Texas

is dilapidated, substandard, and unfit for human habitation; is a hazard to public health, safety, and welfare; does not meet the minimum standards for continued use and occupancy contained in Titles 17 and 18 of the Municipal Code which are adopted and incorporated by reference into Section 18.52; and

WHEREAS, Juana G. Delgado, 231 Lolita Place, El Paso, Texas 79907, record Owner, and all mortgagees and lienholders were duly notified according to law to appear at a public hearing before City Council at 9:00 a.m. on June 15th, 2004; and

WHEREAS, NO ONE, APPEARED,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That City Council having heard the evidence, makes the following findings:
 - a. That the structure located on said property is unsafe, substandard, unfit for human habitation or use, and therefore a hazard to the public health, safety, and welfare; and
 - b. That the structure is not in substantial compliance with municipal ordinances regulating structural integrity and disposal of refuse; and
 - c. The structure's certificate of occupancy is hereby revoked; and
 - d. Since the owner has failed to supply any drawings, plans, or reports to indicate otherwise, we find that the structure cannot be repaired.
2. That the City Council hereby orders Owner to comply with the following requirements:
 - a. That the Building be demolished within (30) days; and
 - b. That the premises be cleaned of all weeds, trash and debris within (30) days; and
 - c. That the Owner of said Building is hereby ordered to comply with all requirements of the Resolution; and
 - d. The owner is advised that in order to obtain a new certificate of occupancy, the entire building and its service systems must be brought into compliance with the current codes.
 - e. That upon failure of the Owner to comply with this Resolution, any mortgagees, lienholder, and other persons having an interest in the property have an additional ten (10) days to demolish the Building and clean the premises of all weeds, trash, and debris; and
3. That upon failure of the Owner to comply with this Order, the City of El Paso through its Director for Building Permits and Inspections may demolish the Building and clean the premises of all weeds, trash, and debris at its own expense, but for and on account of the Owner of said property; and

4. That said Owner shall become personally liable for all costs incurred by City in connection with demolishing the Building and cleaning the premises of all weeds, trash and debris; and
5. That the costs incurred by the City in connection with demolishing the Building and cleaning the premises of all weeds, trash, and debris shall become due and payable within thirty (30) days of the date of completion of the work and such cost shall be assessed as a lien against the property unless paid; and
6. That upon failure of the Owner to comply with this Order, one or all of the following actions will be taken:
 - a. The City may perform any and all work needed to bring the property into compliance with this order, at its own expense but for and on account of the Owner of said property, the cost of which shall be assessed as a lien against the property; and
 - b. That upon failure of the Owner to comply with this order the City Council may assess a civil penalty against the property Owner in an amount not to exceed \$1,000.00 a day for each violation or, if the Owner shows that the property is the Owner's lawful homestead, in an amount not to exceed ten (10) dollars a day for each violation; and
 - c. That upon failure of the Owner to comply with this order, the Owner may be confined in jail as permitted by state law; and
7. That upon failure of the Owner, any mortgagees or lienholders to restore the Building so that it complies with all relevant City Code requirements, the City of El Paso, if applicable, may bring an action in District Court to request appointment of a receiver for the rehabilitation of said property pursuant to Section 214.003 of the Texas Local Government Code; and
8. The Owner, any mortgagees, or lienholders have a right to appeal these findings to a court of competent jurisdiction within ten (10) days after notice of this Resolution. The findings shall become final after ten (10) days of receipt of Notice; and
9. That any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of assessment until paid in full; and
10. That the City Clerk is ordered to cause copies of this Resolution to be served on the record Owner and all other persons having interest in the property as provided by law.

According to the real property records of El Paso County, you own the property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Mr. Thomas Maguire, Building Permits and Inspections, presented the case to Council Members and read the Department's recommendations into the record.

Representative Escobar explained that all avenues to reach interested parties had been exhausted.

The City Clerk called for public comment. There was no public comment.

.....
 *Motion made, seconded and unanimously carried to postpone four (4) week the public hearing to determine if the property located at 7361 Alameda Avenue Space V, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. First investigated March 13th, 2003. The owners of this property, Alfredo and Delia

Martinez, Owners, 4923 Knox Drive, El Paso, Texas 79904-3427, have been notified of the violations at this property. Delinquent taxes in the amount of \$0.

Mr. Manuel Padilla, citizen, requested that he be able to speak on the matter today. He explained he is a neighbor.

Representative Lozano asked Mr. Padilla to come to his office, instead, to discuss the matter rather than discuss it at Council today.

.....
Motion made by Representative Rojas, seconded by Representative Escobar and unanimously carried to direct the owner to secure the property and to postpone four (4) weeks the public hearing to determine if the property located at 320 N. Carolina Drive, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. First investigated December 8th, 2003. The owner of this property, Victor Mendez, 2425 Red Rock Canyon Drive, El Paso, Texas 79930, has been notified of the violations at this property. Delinquent taxes in the amount of \$0.

Mr. Victor Mendez, property owner, made comments regarding the property. Mr. Mendez commented on his neighbor accessing his backyard through his property.

Representative Rojas requested Mr. Mendez meet with her to discuss the matter further.

.....
ORDINANCE 15809

The City Clerk read an Ordinance entitled: **AN ORDINANCE AUTHORIZING THE ISSUANCE OF CITY OF EL PASO, TEXAS, GENERAL OBLIGATION COMMERCIAL PAPER NOTES, SERIES B, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$50,000,000 FOR THE PURPOSE OF PROVIDING MONEY FOR CERTAIN AUTHORIZED PURPOSES; APPROVING AND AUTHORIZING CERTAIN AUTHORIZED OFFICERS AND EMPLOYEES TO ACT ON BEHALF OF THE CITY IN THE SELLING AND DELIVERY OF SUCH NOTES, WITHIN THE LIMITATIONS AND PROCEDURES SPECIFIED HEREIN; MAKING CERTAIN COVENANTS AND AGREEMENTS IN CONNECTION THEREWITH; RESOLVING OTHER MATTERS INCIDENT AND RELATED TO THE ISSUANCE, SALE, DELIVERY AND SECURITY OF THE NOTES, INCLUDING THE APPROVAL OF AN ISSUING AND PAYING AGENCY AGREEMENT, A CREDIT AGREEMENT, AN OFFERING MEMORANDUM AND A COMMERCIAL PAPER DEALER AGREEMENT.**

Mr. Bill Chapman, Deputy Chief Administrative Officer for Financial and Administrative Services, explained that the commercial paper would be issued when projects were ready and noted the interest rate for the commercial paper was 1.02%. He responded to comments and/or questions from the Council Members.

Mayor Joe Wardy commented on the City's use of commercial paper rather than other methods of funding projects.

Mr. Norman Gordon, bond counsel, provided the Council with copies of the amended Ordinance language noting DEPHA as the liquidity provider, Layman Brothers as the broker dealer, and J.P. Morgan Chase as the issuing and paying agent.

Mr. Ray Gilbert, citizen, requested further financial clarification on the matter and made additional comments regarding the City's method of funding projects.

Mr. Hector Zavelta, First Southwest Financial Company, responded to comments made by Mr. Gilbert and noted that other Texas cities utilize the same financial process to finance City projects. He responded to questions and/or comments made by the Council Members.

Representatives Escobar, Cook, and Austin commented and/or asked questions of Messrs. Chapman and Zavelta.

The City Clerk called for further public comment. There was no further public comment.

Motion duly made by Representative Cook, seconded by Representative Lozano, that the Ordinance be adopted as amended. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Lozano, Cook, Rojas, and Cobos
NAYS: Council Members Austin, Cushing, and Power Absent: None
Council Member Escobar was not present for the vote.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted, *as amended*.

.....
ORDINANCE 15810

The City Clerk read an Ordinance entitled: **AN ORDINANCE OF THE CITY OF EL PASO, TEXAS, AUTHORIZING THE ISSUANCE AND SALE OF CITY OF EL PASO, TEXAS, SOLID WASTE DISPOSAL SYSTEM REVENUE BONDS, SERIES 2004; PROVIDING FOR THE SECURITY AND PAYMENT OF SAID BONDS; APPROVING THE OFFICIAL STATEMENT; APPROVING EXECUTION AND DELIVERY OF A BOND PURCHASE AGREEMENT AND ENACTING OTHER PROVISIONS RELATING THERETO.**

Mr. Bill Chapman, Deputy Chief Administrative Officer for Financial and Administrative Services, explained the manner in which the City would utilize the revenue bonds and noted that the bonds would be issued at 4.9%. He stated that the bonds would be backed by revenue generated by the Solid Waste Management Department, not to include a property tax pledge. He noted that this was the City's initial use of Solid Waste Disposal System Revenue Bonds.

Mayor Joe Wardy noted that the bond amount was not listed on the agenda. Mr. Chapman responded that the amount of the bonds would be \$22,676,418.05.

Representative Cushing questioned the discrepancy \$22,676,418.05 and the amount noted in the backup information as \$15,110,000 at the time of the Ordinance's introduction.

Mr. Norman Gordon, bond counsel, explained that \$15,100,000 was the initial dollar amount given by the City at the time of the Ordinance introduction, however, since that time it was determined that an increase would be required. He amended the Ordinance amount to note \$22,000,120.00.

Mr. Jim Martinez, Chief Executive Officer, explained the need to increase the bond amount. Mr. Chapman concurred and added that Council directed expanding the use of the McCombs and Clint landfills.

Representative Austin questioned whether the agenda posting was sufficient given that a policy change was addressed in the interim.

Ms. Lisa Elizondo, City Attorney, responded that modifications to the dollar amount could be made; however, Council may want to address policy changes.

Representative Power asked Mr. Chapman whether or not the Solid Waste Management Department would increase fees in order to assist in the payment of the bonds.

Mayor Wardy made comments addressing an ongoing study pertaining to the Solid Waste Management Department practices which should be completed in 30 days. He added that a fee increase was not anticipated.

Representative Cushing questioned why the City was incurring debt when funds should already exist.

Mayor Wardy explained that previous Council administrations issued Certificates of Obligation for such expenditures.

Representative Austin questioned Mr. Chapman regarding dividing funds between the landfills and equipment.

Mr. Martinez commented on the recommendations by the Solid Waste Management Task Force and on policy direction given from the Mayor.

Representative Cobos questioned Mr. Martinez whether or not an analysis had been conducted regarding privatization of the Solid Waste Management Department and questioned Mr. Chapman regarding itemizing the \$22 million in revenue bonds.

Mr. Hector Zavelta, First Southwest Financial Company, explained that negotiations to sell the bonds had taken place. He explained the financial consequences on the City's credibility in the event Council postponed approving the Ordinance.

Mr. Martinez commented on short-term, long-term landfill planning deficits.

Mr. Ray Gilbert, citizen, commented on utilizing surplus money to pay debt and questioned the City's amount of "old" debt. He noted that the increase in the revenue bonds was a major change since the Ordinance introduction.

Mr. Chapman highlighted the expenditure of the \$22 million and answered questions of Representative Cobos.

Mr. Jeff Belles, Interim Director of Solid Waste Management, itemized the heavy equipment machinery to be utilized at the landfills, and the need to replace existing equipment.

Mr. Gordon clarified that the Ordinance had been originally introduced in May. He addressed Representative Cobos' concern regarding bonding the Issuer and privatization of the solid waste system. He read the amended language of the Ordinance into the record.

Mr. Martinez addressed the installation of scales to be located at the McCombs and Clint landfills.

Representative Rojas asked Mr. Belles questions regarding the need of replacing the heavy equipment machinery at the landfills.

The City Clerk called for further public comment. There was no further public comment.

Motion duly made by Representative Lozano, seconded by Representative Cook, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES:	Council Members Austin, Cushing, Lozano, Cook, Power, Escobar, Rojas and Cobos
NAYS:	None
Absent:	None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted, *as amended*.

.....
ORDINANCE 15811

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A PORTION OF TRACT 3J, SECTION 43, BLOCK 80, TOWNSHIP 1, TEXAS & PACIFIC RAILWAY COMPANY SURVEYS, EL PASO, EL PASO COUNTY, TEXAS (CROSS STREET & RAILROAD DRIVE) FROM C-4 (COMMERCIAL) TO R-5 (RESIDENTIAL). THE PENALTY BEING AS PROVIDED IN SECTION 20.68.010 OF THE EL PASO MUNICIPAL CODE.**

The City Clerk called for public comment. There was no public comment.

Mr. Rudy Valdez, Chief Urban Planner, gave a Powerpoint presentation and noted that the CPC (City Plan Commission) and DCC (Development Coordinating Committee) had recommended unanimous approval. He explained that the Department had received one letter in opposition to the zoning change request.

Motion duly made by Representative Cook, seconded by Representative Escobar, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Power, Escobar, Rojas and Cobos
NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....
ORDINANCE 15812

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING SPECIAL PERMIT NO. ZON04-00015, TO ALLOW FOR A PLANNED RESIDENTIAL DEVELOPMENT ON A PORTION OF TRACT 3J, SECTION 43, BLOCK 80, TOWNSHIP 1, T & PRRC SURVEYS, EL PASO, EL PASO COUNTY, TEXAS (CROSS STREET AND RAILROAD DRIVE) PURSUANT TO SECTION 20.14.040 (ZONING) OF THE EL PASO MUNICIPAL CODE. THE PENALTY IS AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.**

Mr. Rudy Valdez, Chief Urban Planner, gave a Powerpoint presentation and noted that the CPC (City Plan Commission) had voted 5-1 to approve, however, the DCC (Development Coordinating Committee) had recommended unanimous approval. He added that there was no opposition to the zoning change request and answered questions from and responded to comments made by the Council Members.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Cook, seconded by Representative Escobar, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Power, Escobar, Rojas and Cobos
NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING THE 2025 PROPOSED THOROUGHFARE SYSTEM AS DETAILED IN THE MAP ATLAS OF THE PLAN FOR EL PASO AND ITS RELATED DOCUMENTS AS ORIGINALLY APPROVED BY THE EL PASO CITY COUNCIL IN 1999, AND AS SUBSEQUENTLY AMENDED. (RIVERBEND DRIVE)**

Mr. George G. Sarmiento, Director of Planning, Research and Development, gave a Powerpoint presentation and that the CPC (City Plan Commission) had recommended deleting Riverbend Drive and its proposed extension from the Major Thoroughfare Plan ("MTP"). Additionally, the DCC (Development Coordinating Committee) recommended downgrading the Riverbend extension to a three-lane road with a center turning lane and keep it on the Metropolitan Planning Organization's Metropolitan Transportation Plan for the purpose of qualifying for federal funds for the road. He answered questions of and responded to comments made by the council members.

Representative Cook questioned the amount of monies the City had spent to acquire the right-of-way and subsequent construction costs and questioned the zoning on the adjacent New Mexico properties.

Mayor Joe Wardy explained that the neighbors were fearful of having a major thoroughfare cutting through the neighborhood. He labeled that area as a mature residential neighborhood.

Representative Cobos suggested linking Riverbend to Gibson Veck, an existing New Mexico road.

Mr. Matt Watson, Assistant City Attorney, clarified that a vote to approve the Ordinance would remove Riverbend Drive from the Major Thoroughfare Plan.

Representative Cobos suggested enhancing the intersections/turnways at Frontera, Bird and Sunset to allow for a better traffic flow in and out of the area. He stated for the record that, over a year and a half ago, his office sent over 3,000 notifications to area residents notifying them of a public hearing to held at Zach White Elementary. He explained that a poll was taken and 89% of residents were opposed to the extension.

Representative Cushing commented on the use of City/Federal monies for Riverbend in the distant future.

Representative Power asked City staff questions regarding future development and the proposed extension of Riverbend.

Representative Austin questioned the amount of right-of-way owned by the City and the estimated cost to maintain that right-of-way.

Mayor Wardy commented on the major renovation construction from Sunland Park Road to McNutt Road and the recent passage of bond monies allocated for that project.

Mr. Sarmiento stated that Riverbend was a local street, not recommended to carry regional or commercial traffic.

Mr. Jeff Alley, Zach White Neighborhood Association spokesperson, gave background information regarding the inclusion of Riverbend in the MTP. He requested that Riverbend be removed from the Master Thoroughfare Plan.

Mr. Ray Gilbert, citizen, spoke on the matter.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Cobos, seconded by Representative Cushing, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Power, Escobar, Rojas and Cobos
NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

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*Motion made, seconded and unanimously carried to postpone one (1) week an Ordinance changing the zoning of a portion of Tract 1, Block 6, Christy Tract in Block 31, Ysleta Grant, El Paso, El Paso County, Texas (Schwabe Road) from R-F (Ranch-Farm) to R-3A (Residential). The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. ZON04-00049. Applicant/Representative: Adolfo & Rosa Lopez, 1135 Rio Vista, El Paso, TX 79927.
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ORDINANCE 15813

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF LOTS 18, 19, 20, 21 AND 22, BLOCK 2, BASSETT COMMERCIAL COMPLEX UNIT 1, EL PASO, EL PASO COUNTY, TEXAS (6400 GATEWAY EAST BLVD.) FROM A-O (APARTMENT-OFFICE) TO C-1 (COMMERCIAL). THE PENALTY BEING AS PROVIDED IN SECTION 20.68.010 OF THE EL PASO MUNICIPAL CODE.**

Mr. Rudy Valdez, Chief Urban Planner, gave a Powerpoint presentation and noted that the CPC (City Plan Commission) and DCC (Development Coordinating Committee) had recommended unanimous approval. He added that there was no opposition to the zoning change request and answered questions from and responded to comments made by the Council Members.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Lozano, seconded by Representative Escobar, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Power, Escobar, and Cobos
NAYS: None Absent: None
Council Member Rojas was not present for the vote.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....
*Motion made, seconded and unanimously carried to delete an Ordinance granting Special Permit No. ZON04-00023 to allow for a parking reduction for the property described as Lots 7 - 10, Block 266, Campbell Addition, El Paso, El Paso County, Texas, pursuant to Section 20.64.175 of the El Paso Municipal Code. The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Pauline Shaheen / Representative: Mixer Engineering, Inc.; 6712 Mesa Grande Avenue, El Paso, TX 79912. **(District 8) THIS IS AN APPEAL CASE.**
.....

*Motion made, seconded and unanimously carried to delete an Ordinance granting Special Permit No. ZON04-00024 to satisfy parking requirements for Parcel 1, described as Lots 7 - 10, Block 266, Campbell Addition, El Paso, El Paso County, Texas, by allowing off-site, off-street parking on the following parcels described as follows: Parcel 2, Lots 11 - 12, Block 266, Campbell Addition, El Paso, El Paso County, Texas; Parcel 3, a portion of Lot 18 and the West 60 feet of Lots 19 and 20, Block 266, Campbell Addition, El Paso, El Paso County, Texas; Parcel 4, the East 40 feet of Lot 1 and the South 15.5 feet of the East 40

feet of Lot 2, Block 266, Campbell Addition, El Paso, El Paso County, Texas; and Parcel 5, the South 13 feet of Lot 15 and all of Lot 16, Block 266, Campbell Addition, El Paso, El Paso County, Texas, pursuant to Sections 20.22.040 and 20.42.040 of the El Paso Municipal Code. The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Pauline Shaheen / Representative: Mixer Engineering, Inc.; 6712 Mesa Grande Avenue, El Paso, TX 79912. **THIS IS AN APPEAL CASE.**

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ORDINANCE 15814

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING SPECIAL PERMIT NO. ZON04-00047, TO ALLOW FOR A PLANNED RESIDENTIAL DEVELOPMENT ON TRACT 1C2, BLOCK 9, UPPER VALLEY SURVEYS, EL PASO, EL PASO COUNTY, TEXAS PURSUANT TO SECTION 20.12.040 (ZONING) OF THE EL PASO MUNICIPAL CODE. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.**

Mr. Rudy Valdez, Chief Urban Planner, gave a Powerpoint presentation and noted that the CPC (City Plan Commission) and DCC (Development Coordinating Committee) had recommended unanimous approval. He added that there was no opposition to the zoning change request and answered questions from and responded to comments made by the Council Members.

Mrs. Mary Frances Kiesling, Save the Valley representative, requested that the Council approve the Special Permit.

The City Clerk called for further public comment. There was no further public comment.

Motion duly made by Representative Austin, seconded by Representative Cushing, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES:	Council Members Austin, Cushing, Lozano, Cook, Power, Escobar, Rojas and Cobos
NAYS:	None
Absent:	None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....
ORDINANCE 15815

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF PARCEL 1: LOT 2 AND A PORTION OF LOT 1, BLOCK 1, LAS FLORES SUBDIVISION UNIT 4, EL PASO, EL PASO COUNTY, TEXAS FROM P-C/SC (PLANNED COMMERCIAL DISTRICT/SPECIAL CONTRACT) TO C-2/SC (COMMERCIAL/SPECIAL CONTRACT); AND PARCEL 2: A PORTION OF LOT 1, BLOCK 1, LAS FLORES SUBDIVISION UNIT 4, EL PASO, EL PASO COUNTY, TEXAS FROM P-C/SC (PLANNED COMMERCIAL DISTRICT/SPECIAL CONTRACT) TO C-3/SC (COMMERCIAL/SPECIAL CONTRACT). THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.**

Mr. Rudy Valdez, Chief Urban Planner, gave a Powerpoint presentation and noted that the CPC (City Plan Commission) and DCC (Development Coordinating Committee) had recommended unanimous approval. He added that there was no opposition to the zoning change request and answered questions from and responded to comments made by the Council Members. He added that Representative Rojas had proposed C-2 zoning for the entire property.

Representative Rojas presented documents containing 64 residential property owner's signatures and 4 business owner's signatures opposed to the C-3 zoning change. She presented a document written by the applicant's representative, Mr. Bradley Roe, concurring with Representative Rojas' C-2 zoning for the entire property.

Section 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

Discussion and action on the following:

B. Subrogation Claim Regarding Rodrigo Chairez (551.071)

Motion made by Representative Cook, seconded by Representative Rojas and unanimously carried to adjourn the Executive Session at 2:25 p.m. and reconvene the meeting of the City Council, during which time motions were made.

Representative Austin was not present for the vote.

.....
Motion made by Representative Cobos, seconded by Representative Escobar and carried that the City settle its subrogation interest in the claim of RODRIGO CHAIREZ, as recommended by the City Attorney, and that the appropriate Assistant City Attorney be authorized to sign all necessary settlement documents on behalf of the City.

.....
Motion made by Representative Austin, seconded by Representative Escobar and unanimously carried to adjourn this meeting at 2:27 p.m.
.....

APPROVED AS TO CONTENT:



Richarda Duffy Momsen, City Clerk